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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,363	11/11/2003	Shinichiro Hataoka	5077-000191	4622
27572	7590	06/24/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			MAY, ROBERT J	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			2875	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

54

Office Action Summary	Application No.	Applicant(s)	
	10/705,363	HATAOKA ET AL.	
	Examiner	Art Unit	
	Robert May	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/11/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/11/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 2 objected to because the office believes that claim is ambiguous and suggests to the applicant to rephrase Claim2.

The office construes what the applicant describes as the hole being placed vertically below the lamp, when the lamp is in a horizontal flat position. However, if the lamp were rotated 180 degrees with the large end of the reflector positioned in the mirror opposite way, the same hole would be vertically above the lamp. Therefore, the office suggests rephrasing Claim 2 in a similar manner as describing the one or more holes to be positioned on one side relative to the central axis of the bulb and reflector portion.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4 & 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US Pat 6,227,686).

In regard to Claims 1 & 5, Takahashi discloses in Figure 1, A metal halide high pressure discharge lamp (1), a first and second sealing portion extending from both

Art Unit: 2875

sides of the bulb, a reflecting mirror (2) with a wide are and a neck portion (3) herein described as a securing member in which to secure one end of the lamp (1) to, the reflector and neck portion are formed as one unit when attached using a bonding material (4), and an hole or herein described as a small opening (2c) disposed at the neck portion (3).

In regard to Claim 4, Takahashi discloses in Figure 1, a transparent protective glass disposed at the wide portion of the reflecting mirror (2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Hitner (US Pat. 2,134,768) and Ng (US Pat. 6,350,047). While Takahashi does not disclose the air holes as being hole shaped or a slot, Hitner

Art Unit: 2875

discloses in Figures 1-2, a plurality of H slots (12) that has a further advantage of ventilation along the lamp neck to avoid overheating (Pg 1, Lines 19-24). Therefore, It would be obvious to one of ordinary skill in the art to use the light source apparatus of Takahashi with the slotted air venting holes of Hitner in order to avoid overheating.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi. Although Takahashi does NOT disclose one or more air holes being disposed vertically below the lamp or one side of the central axis with respect to the lamp and reflector, it would be generally obvious to one of ordinary skill in the art to have the hole(s) on one side with respect to the central axis in order to reduce the manufacturing cost by only having to create only one hole and/or enhance the mechanical integrity of the neck region by having only one hole on one side of the neck portion. Therefore, it would be obvious to one of ordinary skill to have the hole(s) on one side of the central axis with respect to the lamp and reflector in order to reduce the manufacturing cost and/or enhance the mechanical integrity of the neck region.

Conclusion

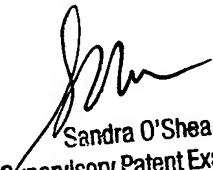
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ng (US Pat. 6,350,047) discloses a recessed light with a reflector with neck portion and ventilation holes disposed with the neck region.

Art Unit: 2875

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra O'Shea
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Technology Center 2800